

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON EDUCATION**

**Call to Order:** By **CHAIRMAN KATHLEEN GALVIN-HALCRO**, on April 1, 2005 at 3:15 P.M., in Room 137 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Kathleen Galvin-Halcro, Chairman (D)  
Rep. Joan Andersen, Vice Chairman (R)  
Rep. Gary Branae, Vice Chairman (D)  
Rep. Edward B. Butcher (R)  
Rep. Margaret H. Campbell (D)  
Rep. Tim Dowell (D)  
Rep. Wanda Grinde (D)  
Rep. Roger Koopman (R)  
Rep. Bob Lake (R)  
Rep. Joe McKenney (R)  
Rep. Scott Sales (R)  
Rep. Jon Sonju (R)  
Rep. Dan Villa (D)  
Rep. John Ward (R)  
Rep. Jeanne Windham (D)

**Members Excused:** Rep. Holly Raser (D)

**Members Absent:** None.

**Staff Present:** Chris Lohse, Legislative Branch  
Eddy McClure, Legislative Branch  
Nina Roatch-Barfuss, Committee Secretary  
Linda Keim, Transcribing Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: None.  
Executive Action: HJ 35, SB 419

**EXECUTIVE ACTION ON HJ 35**

**Motion:** REP. ANDERSEN moved that HJ 35 BE CONCURRED IN.

**Motion:** REP. WARD moved that AMENDMENT SJ003501 BE ADOPTED.

**EXHIBIT**(edh69a01)

**Discussion:**

REP. WARD said this amendment was suggested because it expanded the scope of the Resolution to include nurses and other medical personnel that have oversight responsibility.

**Vote:** Motion carried unanimously 16-0 by voice vote. REPS. BUTCHER, GRINDE and RASER voted by proxy.

**Motion:** REP. WARD moved that HJ 35 BE ADOPTED AS AMENDED.

**Discussion:**

REP. DOWELL spoke against the Resolution and said policy is often driven by the students that you have. He said schools that have students needing special medications have worked out ways of delivering those medications. He did not feel that the Resolution is necessary.

REP. LAKE said that he agreed with REP. DOWELL and said the policy in place now is adequate and is working. He was not in favor of spending the time and effort required to change it.

REP. ANDERSEN said there are a lot of states that have a policy on administering prescribed medications to students. She stated that this is a study resolution and would like to see it move forward. She said, "If the members of the House and Senate feel this is a priority for them they will rank it high, and if they don't think it is a priority they may not rank it at all." She feels this is an important issue.

REP. WARD agreed with REP. ANDERSEN and said if this is chosen to be a priority study that a framework would be established for the inclusion or exclusion of various treatments and/or drugs within the school setting. This would provide institutional backing and support for those who would be treating the students.

REP. CAMPBELL said she never had a problem with the administering of medication at school and she put seven children through the school system. She felt that school boards know what is best for their schools and have the capability of developing policies. She has discussed the topic in her work of training school boards and assisted in the development of policy.

*{Tape: 1; Side: A; Approx. Time Counter: 0 - 10}*

**REP. WINDHAM** explained a handout, "States with Policies on School Meds." The sheet came from **REP. ARNTZEN**.

[EXHIBIT](#)(edh69a02)

**REP. BUTCHER** asked **REP. ARNTZEN** about the information concerning Tennessee found in Exhibit 2. **REP. ARNTZEN** said, "Tennessee offers liability to school district employees after taking training for administering medications in schools."

**REP. BUTCHER** said state law is not granting indemnification to the people that do it, the schools themselves are proving liability insurance. **REP. ARNSTON** said that was correct, and that is what Montana does not have at this point.

**Vote:** Motion failed 4-12 by roll call vote with **REP. ANDERSEN**, **REP. MCKENNEY**, **REP. SONJU**, and **REP. WARD** voting aye. **REP. GRINDE** and **REP. RASER** voted by proxy.

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**Motion/Vote:** **REP. WINDHAM** moved that SJ 35 BE TABLED AND THE VOTE REVERSED. Motion carried 12-4 with **REP. GRINDE** and **REP. RASER** voting by proxy.

#### EXECUTIVE ACTION ON SB 419

**Motion:** **REP. KOOPMAN** moved that SB 419 BE CONCURRED IN.

**Motion:** **REP. MCKENNEY** moved that AMENDMENT SB 041903 BE ADOPTED.

[EXHIBIT](#)(edh69a03)

#### Discussion:

**REP. MCKENNEY** explained his amendment.

**REP. ANDERSEN** said some rural school bus routes in eastern Montana take 60 minutes one-way and the amendment doesn't allow enough time.

**REP. BUTCHER** said that in this bill this amendment will allow a new district to form if it takes 45 minutes or more to travel from the nearest elementary school to the nearest high school. He stated it would not affect what is currently being done.

**REP. ANDERSEN** asked **Ms. McClure** if this amendment would affect school districts who currently have students riding the bus for 60 minutes. **Ms. McClure** said it does not affect any school

district. She explained these are the qualifiers that the Senate added in order to create a new high school.

**REP. KOOPMAN** spoke in support of the Amendment. He said it allows the process to move forward at a lower threshold. He stated that Big Sky is a rapidly growing community and predicted 65-70 students when the school is fully established.

**REP. MCKENNEY** stated they did not want the bus drivers driving faster than they should and said he supported the Amendment.

**CHAIRMAN GALVIN-HALCRO** asked if this bill is specific to one area in the state. **REP. MCKENNEY** said we are looking at a policy change that other districts could consider, but there may not be any others in this situation. He stated, "This is a situational policy change."

**REP. DOWELL** suggested that the more prudent thing would be to look at the bill as it is. It was written with the Ophir School District in mind and it suits their needs. He asked the Committee to resist the Amendment and support the bill.

**REP. LAKE** noted this originally started with 25 miles, and both the distance and the number were lower. The Amendment just brings it down to halfway between the Senate's Amendment and where we started. He supported the Amendment.

**REP. BUTCHER** agreed with **REP. LAKE**.

*{Tape: 1; Side: A; Approx. Time Counter: 11.5 - 23}*

**Vote:** Motion failed 8-8 by roll call vote with **REP. ANDERSEN**, **REP. BUTCHER**, **REP. CAMPBELL**, **REP. KOOPMAN**, **REP. LAKE**, **REP. MCKENNEY**, **REP. SONJU**, and **REP. WARD** voting aye. **REP. RASER** voted by proxy.

**CHAIRMAN GALVIN-HALCRO** noted that the motion failed and they are back on SB 419 without the amendments.

**REP. BRANAE** stated that they need to look out for the kids and do what is best for them. He said he does not usually support legislation that is tied to one situation but in this case he will support the bill.

**REP. WARD** said this bill directs itself at growth. The community is growing and this will occur in other parts of the state. Schools have to be provided where growth, occurs regardless of the moratorium.

**REP. KOOPMAN** said the situation will just get worse. He said, "This bill simply allows for a process to begin." He stated that this is a specific situation that needs to be dealt with. He stated, "If we wed ourselves to never stepping away from that moratorium we will never create another school in the state."

**{Tape: 1; Side: A; Approx. Time Counter: 23 - 30}**

**REP. LAKE** spoke in favor of the bill and said this just allows the process to get started.

**REP. SALES** opposed the bill and discussed the moratorium.

**REP. VILLA** explained the costs associated with the bill and urged the Committee to resist the bill because there is a better opportunity coming to address the consolidation issue.

**REP. BUTCHER** noted that people moved to Big Sky because of the business-base there. He asked the Committee to look at this as an important exception to the global decision that was made a number of years ago for an entirely different reason. He said that this is a logical thing to support and it will be beneficial for everyone. He said the cost per student will become equalized in a short time because of the growth potential in Big Sky.

**REP. ANDERSEN** voiced opposition for the same reasons as REPS. VILLA and SALES. She felt it was not the right time to allow this school district expansion.

**REP. VILLA** stated that he had given the wrong information in testimony and apologized. He explained there was a bill earlier in the Session allowing the existence of two high schools within one high school district, and said option would be available in this situation.

**Vote:** Motion carried 9-7 by roll call vote with **REP. ANDERSEN, REP. CAMPBELL, REP. GALVIN-HALCRO, REP. MCKENNEY, REP. SALES, REP. VILLA,** and **REP. WINDHAM** voting no. **REP. RASER** voted by proxy.

With no further business, **CHAIRMAN GALVIN-HALCRO** adjourned the meeting.

**{Tape: 1; Side: B; Approx. Time Counter: 0 - 10.7}**

**ADJOURNMENT**

Adjournment: 4:10 P.M.

REP. KATHLEEN GALVIN-HALCRO, Chairman

LINDA KEIM, Secretary

KG/lk

Additional Exhibits:

**EXHIBIT ([edh69aad0.TIF](#))**